

**INLAND WETLANDS & WATERCOURSES COMMISSION**  
**REGULAR MEETING MINUTES**  
**WEDNESDAY, AUGUST 1, 2012 @ 7:00 P.M.**  
**POMFRET SENIOR CENTER**

- I. OPEN REGULAR MEETING:** J. Folsom opened the meeting at 7:00 pm.
- II. ROLL CALL: Present** – John Folsom, Chairman; David St. Martin, Vice Chairman; James Rowley, Secretary; Paul Safin, Member; Marshall Eaton, Member; Joseph Stoddard, Member; Nancy McMerriman, Member; John Bergendahl, Alternate; and William Gould, Alternate. Staff: Ryan Brais, WEO and James Rabbitt, Designated Agent. NO ABSENTEES.
- III. SEAT AN ALTERNATE AS NEEDED:** None
- IV. ITEMS TO BE ADDED TO AGENDA:** None
- V. PENDING APPLICATIONS:**
  - A. Tom Davis, 173 Cassidy Road,** remove sediment from farm pond and place spoils on property. J. Folsom asked for a motion to table this item until Jamie arrived (tied up in traffic) and it was so moved by D. St. Martin. J. Stoddard seconded the motion and Jamie arrived, so the motion was not voted on. T. Davis was present and said that he wants to clean the pond for his animals to drink. Jamie said that with regard to Mr. Davis, there are a couple of critical issues: this needs to be kept under 5,000 sq. ft. and from a P&Z aspect, if it is over 200 cu. yds. it needs a special excavation permit. J. Folsom asked if this was true even if the material was removed. Jamie said it is the physical movement; the removal of earthen material. The pond is elliptical in shape and is about 1.14 acres. D. St. Martin asked Jamie what the IWWC perspective is for this application. Jamie said the excavation can only be up to 200 cu. yds.; limited to 1.14 acres; final disposal location needs to be verified by staff; pre-excavation meeting with staff; and it should occur in the next 4-6 weeks. D. St. Martin then asked if there are any associated wetlands with this pond. Jamie said no. J. Stoddard wondered if the pond was spring fed. Jamie said maybe down really deep. J. Stoddard wondered if the pond should be fenced off so the cattle can only drink from it and not go into the pond. Mr. Davis said that would be rather tricky to do. Jamie said it wouldn't be good to do because the pond fluctuates with the water table and seasonally, so the fence would have to be moved. W. Gould asked Mr. Davis how deep the pond is. Mr. Davis said it may be 5' in the center. Jamie mentioned that there is 2-4' of muck. W. Gould asked if they will excavate with the water in the pond or pump it out. Jamie said there is no evident dewatering spot. J. Folsom then asked if there were any further questions. D. St. Martin made a motion to approve the application with the following conditions: 1) only have a maximum sq. ft. of 4,965 sq. ft.; 2) maximum volume of 200 cu. yds.; 3) pre-construction meeting between Staff, property owner, and operator; 4) Staff can make field adjustments; 5) Best Management Practices must be utilized;

6) operation is to take place during the dry season; and 7) \$175 must be deposited with the Town for inspection fees. P. Safin seconded the motion and it was approved unanimously.

**VI. CITIZEN'S COMMENTS:** None

**VII. NEW APPLICATIONS:**

- A. George Avery, Donna Sabourin, 394 Mashamoquet Road,** building put up in the wetlands review area. D. Sabourin is present and the fees are paid. Jamie stated that a structure was put up without IWWC, P&Z, and Building permits. There is a concrete slab with wire in it and small 2-3' knee walls. It is located 25' from the wetlands to the East and it is a commercial site. Jamie distributed a handout entitled, "Design Standards for Low Impact Development Related to Soil Erosion and Sediment Control" to the commission members. D. St. Martin asked if this handout was specific to this application and Jamie said somewhat. J. Folsom asked if there were any questions. D. St. Martin asked if there would be a recommendation of a 10' minimum riparian buffer. After discussion, Jamie said that the structure was supposed to be temporary, something you can pick up and move. But, although the tent is temporary and can be moved, the knee wall/cement slab are more permanent.
- B. John Folsom, 95 Wolf Den Road,** rebuild/replace an existing 10' x 12' fee standing shed. J. Folsom stepped down as Chair for this portion of the meeting and D. St. Martin stepped up to Chair. D. St. Martin asked J. Folsom if there would be any excavation. J. Folsom said there would be a small amount. He plans to put down sheet plastic, processed gravel, and then place the shed on top. W. Gould asked how it would be anchored. J. Folsom said it wouldn't be anchored. P. Safin thought that this actually might not need a permit. J. Folsom said he would prefer to get a permit or jurisdictional ruling. Jamie said the applicant could withdraw and apply for a no-fee or jurisdictional ruling. D. St. Martin said that he will have Staff look at this and vote on it next month. J. Folsom asked if he had to go to a jurisdictional ruling. Jamie said it was up to the applicant. J. Folsom said he will stay with the permit process.

**At this point, J. Folsom stepped back in as Chair of the meeting.**

**VIII. NO-FEE APPLICATIONS:** None

**IX. NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:**

- A. Roger Daigle, 193 Putnam Road,** Cease and Desist. 10/4/07; Received new application 9/2/09. Application was approved with conditions 12/2/2009. Work to be done in July. Permit has been approved awaiting payment. Mr. Daigle submitted a new application on 8/3/11 and it was approved with conditions on 8/17/11. Mr. Daigle submitted a letter (1/4/12) wanting to extend the permit. A new letter was sent 1/4/12 informing Mr. Daigle that he needs to submit a new application with the \$160 fee by 3/6/12 so it can be accepted at our 3/7/12 meeting. He was also told that any additional bonds or surety are determined by the Commission the time of approval of the application. This letter was re-sent to Mr. Daigle on 2/9/12 via CRR to both his CT and FL addresses for verification of receipt. New

application received 3/7/12. This application was approved with 8 conditions on 5/2/12. Staff spoke with D. Morrisette and he is supposed to start work in July. There were questions regarding the amount of the surety and whether it could be reduced. The commission discussed this issue and the consensus was there is a history with the applicant and they are not in favor of reducing the surety. J. Folsom told J. Rabbitt to let Mr. Daigle know that the surety is not being changed (6/6/12). Nothing new. Leave on agenda.

- B. JASD, Orchard Hill Road,** work in regulated area. NOV issued 11/4/05. Nothing new. Ryan did mention that Jim Rose, owner of the property, spoke to him about looking to put a new building on the property but he has not heard back from him. J. Folsom wondered if he would be back to solve the NOV issued in 2005. Leave on agenda.
- C. George Avery, Donna Sabourin, 394 Mashamoquet Road,** grading and filling of wetlands. NOV issued 12/12/11. Application was accepted at 1/4/12 meeting. Application was approved 2/1/12 with nine conditions. \$150 deposit was paid and permit was issued/dated 5/21/12. Jamie had a few calls with the applicant and site work is to be initiated on Tuesday, 7/17/12. Applicant was supposed to submit a new application by 7/10/12 for this meeting but it wasn't done. Donna was in the office today regarding this new application. Jamie said he made multiple site visits during July and they had a pre-construction meeting. Mr. Avery wanted Staff to sign off on section that was not completed (vehicle left there). D. St. Martin asked if there was a valid reason for not moving the vehicle. D. Sabourin said they had no chain to move it. D. St. Martin mentioned that the vehicle doing the work would be able to move it. D. Sabourin that she felt a chain was necessary. J. Folsom received a call on 7/30/12 because the applicant wanted a sign off. Jamie is going to stop by to see if the vegetation is up. D. Sabourin said the grass is now growing. J. Folsom said that Jamie will look at site and inform the commission of what he found. D. St. Martin mentioned that he is not in favor of the applicant doing any less work than the permit states. The commission then directed Staff to check the vegetation growth and work done (8/1/12). Leave on agenda.
- D. Elaine Malchman, 321 Killingly Road,** fill piles placed along bank of brook. NOV issued 12/14/11. Maurice Godbout said that he would file an application the week of the 1/4/12 meeting. Mr. Godbout filed an application for the 2/1/12 meeting, but the application was incomplete and was withdrawn. New application was submitted 3/7/12. Application was approved 4/4/12 with conditions. Work is being done on the house and one of the piles has been reduced (7/11/12). The site is contained (8/1/12). Leave on agenda.
- E. Robert Fowler, Wade Road,** was issued a NOV 7/15/11. Still under NOV. Jamie said the work on the property will be done in the late spring/early summer. Mrs. Fowler called Jamie saying she was unable to contact/coordinate with Tom Hoffa (6/6/12). Staff will follow-up on this issue, but the commission expects the property owner to correct the issues (6/6/12). Nothing new. Need to check to see if there is a caveat on the land record for this applicant (8/1/12). Leave on agenda.
- F. George Avery, Donna Sabourin, 394 Mashamoquet Road,** structure built in set-back with no permits, etc. Staff met with contractor from American Drywall who is helping Donna with this situation. They went over the remediation needed. This NOV was for Planning & Zoning, not IWWC, but as there is already a NOV with IWWC, this structure shouldn't have been put up. Nothing new. A new application was submitted (8/1/12) and accepted. Leave on agenda.

**X. JURISDICTIONAL RULINGS:** None

**XI. AGRICULTURAL ACTIVITIES:** None

**XII. PRIOR APPLICATIONS WITH CONDITIONS:**

- A. Paul Miller, Tyott Road,** request for reduction of surety. The area has been seeded and stabilized. Surety was released on 3/29/12, leaving \$1,500 for possible additional fees. Staff said he felt we could release the rest of the surety. D. St. Martin made a motion to release the surety. He was seconded by M. Eaton and approved unanimously. Leave on agenda until bond is released.
- B. Town of Pomfret, Grosvenor Road,** remove old culverts and replace with two new ones. Start date of this project was 8/27/09. The remediation date was 1/6/11. Syl Pauley, licensed engineer for the project, signed off on the project on 1/10/11. Staff is continuing to observe the situation. Staff will be out in that area due to new construction going on. Nothing has changed. Leave on agenda through hurricane season. This is ongoing.
- C. Sarantopoulos, 325 Wrights Crossing Road,** subdivision 5/07. CO has been issued. Landscaping and E&S are stable. Minimal landscaping left to complete. Staff visited the site and said the surety can now be released. M. Eaton made a motion to release the surety. It was seconded by D. St. Martin and approved unanimously. Leave on agenda until bond is released.
- D. Moon et. al., Peter, 596 Pomfret Street,** single-family home 3/08. Application was approved with 10 conditions. New application was approved 7/7/10. Lot is advertised for sale with all approvals in place. No activity. Correspondence dated 5/31/12 requesting extension of permit. Extension was granted on 6/6/12 for three more years. Nothing new (8/1/12). Leave on agenda.
- E. Pomfret School, 398 Pomfret Street (10/6/10)**
  - 1. Remediation** – stable; watch through hurricane season
  - 2. Turf Fields** – additional work being done on utility run; there was a lack of BMP for placement of rip rap; Staff to site walk next week (8/6/12-8/10/12).
- F. Town of Pomfret Recreation Field, 576 Hampton Road (10/6/10),** the site is stable. This can now be removed from the agenda.
- G. Ridgewood Farms, LLC formerly CT Real Estate Holdings, LLC, 195 Searles Road,** Cease and Desist in effect as of 3/16/05. Certificate of NOV placed on the land records on 5/19/06. (gravel extraction) Actual date of permit is 11/07. Deposit date of surety/bond monies is 8/15/10. Site is stable. Jamie met with Gino (owner) and discussed the existing permit for gravel extraction and looked at alternatives to excavation knocking the 210 elevation to 166. Jamie said this is going to be more of a landscaping operation than a gravel extraction. D. St. Martin said he would need a revised site plan and application. Jamie said he is still tied to the restoration, but could possibly have an amendment to his current permit. P. Safin asked if Jamie knew what the end use of the parcel is going to be. Jamie said that in the near term, it is for fishing and hunting. It wall all depend on possible future development (3/7/12). Staff spoke with Gino and they are going to sit down and discuss things. He is seeking bids on the value of gravel. He said he may let the permit

lapse or possibly amend/re-apply (6/6/12). Nothing new as Gino has not made a decision (8/1/12). Leave on agenda.

- H. Shane Pollock, 131 Orchard Hill Road, (11/2/11)** formerly owned by R. Canning, was approved with conditions through IWWC. This was originally approved 4/12/11. Shane Pollock submitted letter requesting transfer and deposited surety/fees. Permit has been signed (1/4/12). Site is re-graded and the silt fence is up (2/1/12). House is completed (3/7/12). It appears that the area has been seeded and hayed (4/4/12). Staff to check vegetation this month (5/2/12). This will be watched through the fall. Leave on agenda.
- I. Janice Bosworth (5/4/11)** - relocation of an existing house trailer on the property and associated land disturbance. Ryan spoke with Bob Messier on 6/29/11 and 7/3/11. Application was submitted to the commission on 8/3/11. Extension granted on remediation application. New application submitted on 11/2/11. Original application was withdrawn. This new application for two single-family homes was approved 1/4/12 with 11 conditions. Jamie said he received revised plans from B. Messier with the COA on the plans. We are waiting for the bond. Jamie went to the test site and a couple of test pits were done. The junk trailer has been removed from the site. There are no issues with erosion. There is still a trailer on site. Vegetation is coming up and site is stable. This will be tracked through the fall. Leave on agenda.

**XIII. SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None**

**XIV. COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION:**

**A. Ongoing**

- 1. Sharp Hill Vineyard (9/1/10)** – The road was paved (6/8/12). Jamie made a site visit last week and the shoulders are stable with no erosion problems (7/11/12). Conditions have not changed (8/1/12). Leave on agenda.
- 2. Scott Lee, 585 Mashamoquet Road (9/1/10)** – the site is a mess (4/4/12). There are trees down and Scott has been talking to DEEP about putting in a couple of ponds. Site is healing nicely. Ryan will check site (8/1/12). Leave on agenda.
- 3. Scott Lee/behind Benway's (1/5/11)** – very stable. Road is stabilized and Mr. Benway has been removing the tree tops/butts out of the area (4/4/12). Site is healing nicely. Ryan will check site (8/1/12). Leave on agenda.
- 4. Windham 4-H Camp, Taft Pond Road (4/6/11)** (cease and desist was issued 3/16/11) application was approved with conditions on 8/3/11. Nothing new. Work should be done in late spring/early summer. Jamie returned a call to them but had to leave a message (5/2/12). (8/1/12) - They are supposed to call Jamie before starting work once the campers leave. Leave on agenda.
- 5. Greg & Tracie Bristow, 806 Hampton Road, (9/7/11)** an application was submitted in reaction to a violation. Application was denied without prejudice on 11/2/11 due to lack of information from consulting engineer and under the condition that the applicant be notified the NOV will still be in effect, a caveat may be placed on the land records, and there is a potential for fines. An excavator is still stuck where the applicant tried to repair the dam and spillway, without consulting staff or the commission. Apparently some non-permitted work has been done at the site and Staff will be going to check it out (7/11/12).

Jamie will check the site out, contact the owner and give the commission an update (8/1/12). Leave on agenda.

- XV. NEW COMPLAINTS:** None
- XVI. CITIZEN'S COMMENTS:** None
- XVII. EXTENSIONS REQUESTED:** None
- XVIII. COMMISSION BUSINESS:**
  - A.** Updates and Report from WEO and Commission Members. Ryan said he didn't issue any permits or violations. Jamie had nothing new to add.
  - B.** Approval of the *July 11, 2012* and *July 16, 2012* meeting minutes. M. Eaton made a motion to approve the 7/11/12 minutes as submitted. J. Rowley seconded the motion and it was approved unanimously with three abstentions. M. Eaton then amended the motion to include the information under Item II, Roll Call. It was seconded and approved. D. St. Martin made a motion to approve the 7/16/12 minutes as submitted. N. McMerriman seconded the motion and it was approved unanimously with two abstentions.
  - C.** Report of billing and bond releases – nothing new
    - 1. *List of Bonds being held with Town of Pomfret (Escrow Agent) and Putnam Bank:***
      - Jason B. Lavallee (IWWC)
      - Donna Smith (inspection fees) (IWWC)
      - Rose Construction (IWWC)
      - Bruce Dexter II (IWWC) – look at status of their permit; need to check perimeter to see if it is stable; Jamie will check the site and report at next month's meeting
      - Pomfret School (IWWC and P&Z)
      - Miller Family LLC (IWWC and P&Z)
      - Town of Pomfret & James Rivers (inspection fees) (IWWC)
      - Ridgewood Farm LLC (P&Z)
    - 2. *List of Bond(s) being held with Liberty Mutual Insurance Company:***
      - Bruce & Kerry Dexter (IWWC)
  - D.** Correspondence – newsletter from CACIWC were distributed
  - E.** As needed – N/A
- XIX. ADJOURNMENT:** D. St. Martin made a motion to adjourn. P. Safin seconded the motion and it was approved unanimously. The Chairman closed the meeting at 8:06 pm.